

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:06cr251

UNITED STATES OF AMERICA,)

)

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vs.)

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CHRISTOPHER ALLEN HUNTER.)

_____)

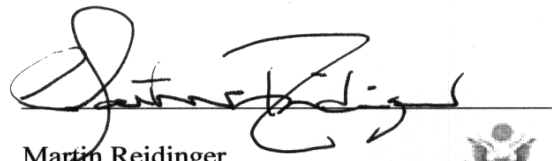
ORDER

THIS MATTER is before the Court on the Defendant's Motion for Reduction of Sentence under 18 U.S.C. §3582(c)(2) and to Strike Illegal Portion of Sentence [Doc. 305].

The Defendant claims that his sentence is illegal because he was not provided the benefit of the crack cocaine guideline amendment, Amendment 706. That Amendment, which became effective on November 1, 2007, lowered the base offense level for most cocaine base convictions. The Defendant was sentenced on April 23, 2008 and the 2007 edition of the United States Sentencing Guidelines Manual was used to prepare his presentence report. [Doc. 245, at 6]. As a result, he received the benefit of the amendment in the calculation of his base offense level. [Id., at 7].

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Reduction of Sentence under 18 U.S.C. §3582(c)(2) and to Strike Illegal Portion of Sentence [Doc. 305] is hereby **DENIED** as moot.

Signed: December 10, 2009


Martin Reidinger
United States District Judge

